



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

NOV 12 2000

Mr. Gary L. Cohen
Timberline Packaging Incorporated
400 Technology Drive
Coal Center, PA 15423

Ref. No: 00-0283

Dear Mr. Cohen:

This is in response to your October 6, 2000 letter regarding the manufacture of packagings to UN Standards under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state that Timberline Packaging manufactures UN packagings for their customer Shandon, Inc. Shandon, Inc. provided the specifications for the packaging they want Timberline to manufacture including the specification markings to be printed on the packaging (i.e., UN4G/Y5.5/S/00/USA/+BE00210). Shandon, Inc. has now asked that Timberline sell this carton directly to another company, Polysciences Corporation. You ask whether you may sell this carton to Polysciences Corporation.

The answer is yes. The responsibility that Timberline Packaging has is to manufacture a packaging to the exact specifications provided to you. The specification marking you apply identifies the third party laboratory that certified the design type and Shandon, Inc. as the manufacturer of the packaging. Selling the packaging to another company does not "transfer the certification" as you state in your letter.

I hope this information is helpful.

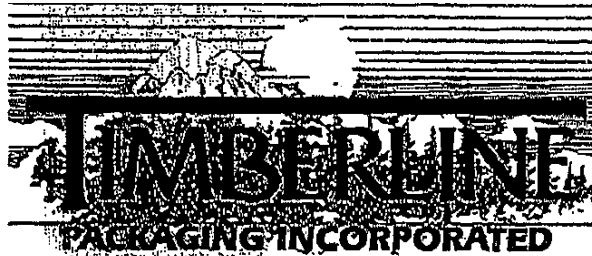
Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



00-0283

178.601



La Valle
178 601
Testing
00-0283

400 TECHNOLOGY DRIVE • COAL CENTER, PA 15423 • 724-938-3020

Mr. Edward T. Mazzullo
Director - Office of Hazardous Materials Standards
US DOT / RSPA (DHM - 10)
400 7th Street SW
Washington, DC 20590-0001
"fax": 202-366-3012

10/6/00

re: Request for Ruling

Dear Mr. Mazzullo,

I'm writing you to request an opinion that will settle a dispute I have with a current customer and that will also serve as a legally binding document protecting my employer as having complied fully with the DOT. You were referred to me on the helpful advice of Mr. Jeff Furr from your hot line yesterday. Briefly the dispute is as follows.

My employer, Timberline Packaging, Inc., has a customer, Shandon, Inc., for whom we currently manufacture a corrugated carton, that we print with their requested HAZ-MAT graphics, etc. We assume they have fulfilled all their responsibilities in securing the proper shipping name, UN Identification Number, labels and/or markings, and certification testing, as we have current copies of lab reports verifying certification and supplying us with the requested UN ID NUMBER. We in turn have documented proof that we have supplied them with duplicate product as tested by the DOT approved testing lab, COBB tests results, which also contains proper closure info, also referenced in the lab report, as well as a release form, signed by the customer, stating that the copy of our manufacturing spec. complies with all specifications as requested by them to comply with certification. (Please see copy of our spec. / file # 7954, which follows) The dispute is that my



400 TECHNOLOGY DRIVE • COAL CENTER, PA 15423 • 724-938-3020

customer, Shandon, Inc., wants me to manufacture and sell direct, this carton, to his contracted packager, Polysciences Corp. I have heretofore refused to do this stating that I felt it was illegal and certainly at the least, unethical, to do so, as this would be transferring his certification to a third party. I have agreed to continue to sell and manufacture this carton to Shandon, Inc. under the terms of our "contract", to retain his certification, and that I'd be glad to ship his cartons to his contract packager. But I will not sell and transfer his "cert." to someone else, even if he supplies me with a release from his company, as I feel the ruling legal governing decision in this matter is not theirs to render, but rather, is strictly under the jurisdiction of the DOT. Please advise at your earliest convenience, my sole purpose is for us at Timberline Packaging, Inc., to remain, in good faith, in complete compliance with DOT regulations. In advance, I thank you for your time, consideration, and ruling on this matter and our responsibility.

Sincerely,

Gary L. Cohen
Director - Quality Systems

P.S. ! PLEASE CALL WITH ANY QUESTIONS:

724-938-3020, EXT. 129

"fax": 724-938-3220